

ANGUS COUNCIL

ANGUS COUNCIL MEETING – 24 June 2021

**LAND REFORM (SCOTLAND) ACT 2003 (ANGUS COUNCIL) (CARNOUSTIE GOLF LINKS)
ORDER 2021**

REPORT BY INTERIM DIRECTOR, COMMUNITIES

ABSTRACT

This report relates to the introduction of an Order to exempt temporarily an area of land at Carnoustie Links, from access rights which would otherwise be exercisable under the Land Reform (Scotland) Act 2003, to accommodate The AIG Women's Open 2021.

1. RECOMMENDATION

It is recommended that the Council:

- (i) authorises the Interim Director of Communities to seek a resolution to any objections received during the statutory consultation period; and
- (ii) authorises the making of the Order, with any modifications required by Scottish Ministers.

2. ALIGNMENT TO THE COUNCIL PLAN

The proposals are necessary for the running of the AIG Women's Open, which will contribute to making Angus a great place to live, work and visit, and help make Angus a 'go to' area for business.

3. BACKGROUND

The AIG Women's Open will be held in Carnoustie between 19 and 22 August 2021. The terms of the Land Reform (Scotland) Act 2003 permit the public to exercise access rights over Carnoustie Links.

4. PROPOSALS

- 4.1 So as to allow the event to take place it is necessary to exempt temporarily an area of ground on the Links from those access rights. The proposed dates and the reasons for the required exemption are set out in the draft Order which is annexed to this report (**Appendix 1**). The duration and extent of the exemption sought is considered necessary to maintain course security and to allow a charge to be made for admission. A map of the proposed area is contained in **Appendix 2**.
- 4.2 The exemption will cover a 10-day period from Saturday 14 August 2021 to Monday 23 August 2021. It will cover practice days, pro-am days for sponsors, and a contingency day, as well as the four-day event.
- 4.3 The exempted area will include the cycle route between Barry Station and Carnoustie, which will be closed for the ten-day period. A diversion route will be signposted on local roads. **Appendix 3** contains a map of the proposed diversion.
- 4.4 The closure will affect access to a boat slipway at the western end of Carnoustie Beach. The event organisers have confirmed that access to the slipway can be made available to Carnoustie Sailing Club by arrangement, if required.
- 4.5 The R & A, as organisers of the event, have been fully involved in the preparation of the proposed Order which was advertised in The Courier and Advertiser on 11 June 2021, with public files being made available online. In addition, the statutory obligation to consult the Angus

Local Access Forum and other parties considered appropriate has been undertaken. The consultation period runs until 27 June 2021.

- 4.6 In this report, Council is being asked to authorise the Interim Director of Communities to seek a resolution to any objections received during the statutory consultation period; and to authorise the making of the Order with any modifications required by Scottish Ministers.
- 4.7 In terms of legislation, exemption Orders having effect for 6 days or more are required to be sent to the Scottish Ministers for confirmation. The Scottish Ministers may (a) approve the application; (b) approve it subject to such amendments as they consider appropriate having regard to any objections received; or (c) refuse to confirm it. Ministers have the option of instructing an inquiry to enable them to decide whether to confirm the Order.

5. OTHER CLOSURES AND PATH DIVERSIONS

- 5.1 In addition to the above closure, the event organisers will be closing smaller areas of land for additional periods to enable construction of event infrastructure. These areas will be managed under construction health and safety legislation, will not significantly affect public access, and will not form part of the proposed exemption Order. The following information is being provided to members for information only.
- 5.2 The contractors' compound will be located near to Barry Station, and will be in use from 28th June until 5th September. Adjacent core paths will remain open for public access during this period. **Appendix 4** contains a map of the area.
- 5.3 Sections of the coastal path near Carnoustie Golf Hotel will be closed between 2nd August and 5th September during construction and dismantling of the tented village area. This is considered necessary because Heavy Goods Vehicles will be manoeuvring on the paths. Local path diversions will be in place. **Appendix 5** contains a map of the diversions.

6. FINANCIAL IMPLICATIONS

- 6.1 There is a small cost associated with advertising the Order which will be met from the Communities revenue budget. There are no other financial implications.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment has been carried out and is attached.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

REPORT AUTHOR: PAUL CLARK, COUNTRYSIDE , COMMUNITIES

EMAIL DETAILS: communities@angus.gov.uk

List of Appendices: Appendix 1 – the draft Order
Appendix 2 – map of the area covered by the Order
Appendix 3 – map of proposed path diversion
Appendix 4 – map of contractors' compound
Appendix 5 - map of local path diversions that will be in place during construction period.

ANGUS COUNCIL

LAND REFORM (SCOTLAND) ACT 2003
(ANGUS COUNCIL) (CARNOUSTIE GOLF
LINKS) ORDER 2021

2021

Subjects: Carnoustie Golf Links

Head of Legal and Democratic Services
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

The Land Reform (Scotland) Act 2003 (Angus Council) (Carnoustie Golf Links) Order 2021

Angus Council, in exercise of the powers conferred on them by section 11(1) of the Land Reform (Scotland) Act 2003 (the "Act") and of all other powers enabling them in that behalf, having consulted the local access forum and any other person they consider appropriate, having given public notice of the intended purpose and effect of the order, and having considered any objections and representations made to them, all in accordance with section 11(2) of the Act, hereby make the following order –

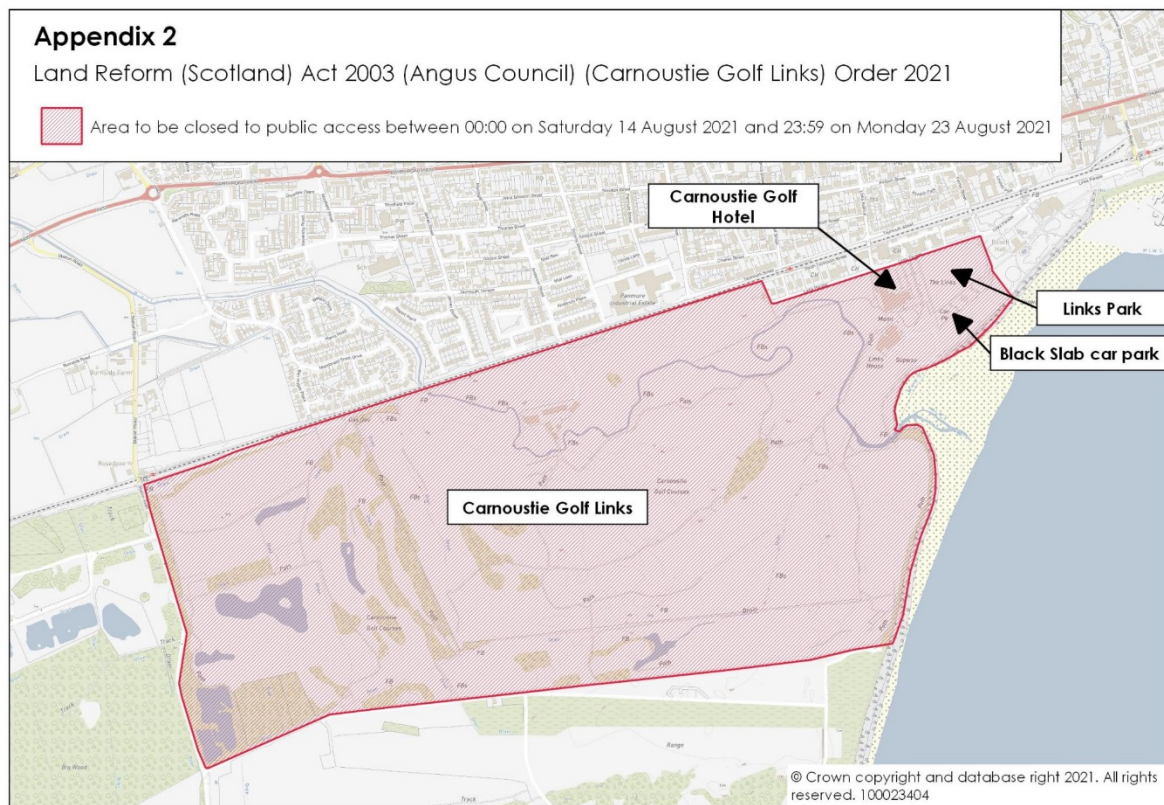
1. This order may be cited as the Land Reform (Scotland) Act 2003 (Angus Council) (Carnoustie Golf Links) Order 2021 and shall come into operation during the period beginning at 00.00 hours on Saturday 14 August 2021 and ending at 23.59 hours on Monday 23 August 2021.
2. The effect of this order is to exempt the land comprising Carnoustie golf links, the Carnoustie Golf Hotel and adjacent car parking, Links Park and the Black Slab car park, all as shown outlined and hatched in red on the plan signed with reference to this order, from the access rights which would otherwise be exercisable in respect of that land by virtue of Part 1 of the Act.
3. The purposes for which the order is made are to allow a charge to be made for admission to the AIG Women's Open being played over the golf links at Carnoustie, and to protect the safety and security of the event.

Made at Forfar on (date).

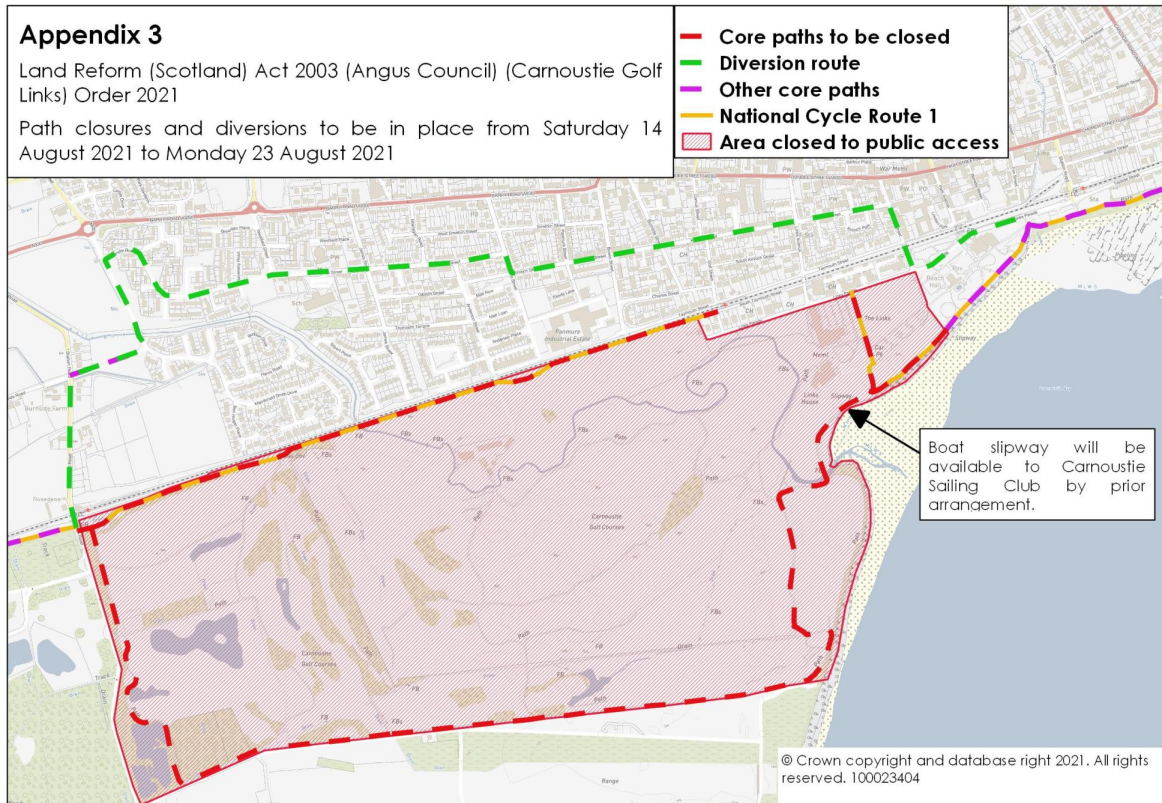
.....(Witness)
(full name)
(designation)
Angus Council, Angus House, Orchardbank
Business Park, Forfar DD8 1AN

.....
(full name)
a Proper Officer of Angus Council

Appendix 2 – Map of the area covered by the order. The area is shaded with red hatching. It includes the whole of Carnoustie golf links, Carnoustie Golf Hotel and adjacent carparking, Links Park and the Black Slab carpark.



Appendix 3 – Map of the proposed path diversion route. The diversion route is marked with a green dashed line. It follows the public road network to the north of the railway line, including Ferrier Street, Taymouth Street, Thomas Street, MacDonald Smith Drive, Core Path 172, and Station Road.



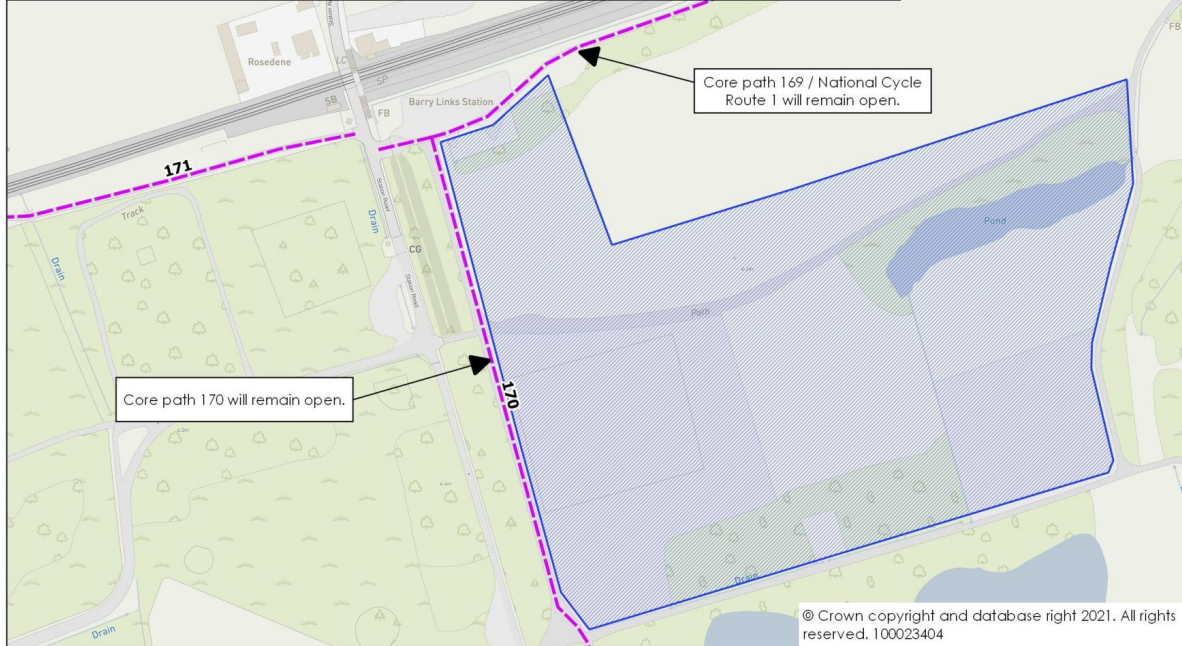
Appendix 4 – Map showing the location of the contractor’s compound. The area is shaded with blue hatching and includes part of Carnoustie links to the south east of Barry Station. Core paths 170 (which follows the western boundary of the links) and 169 (National Cycle Route 1 adjacent to the railway) are outside the area. The closure will be managed under construction site health and safety legislation and does not form part of the proposed exemption Order. It will be closed between 28th June 2021 and 5th September 2021.

Appendix 4

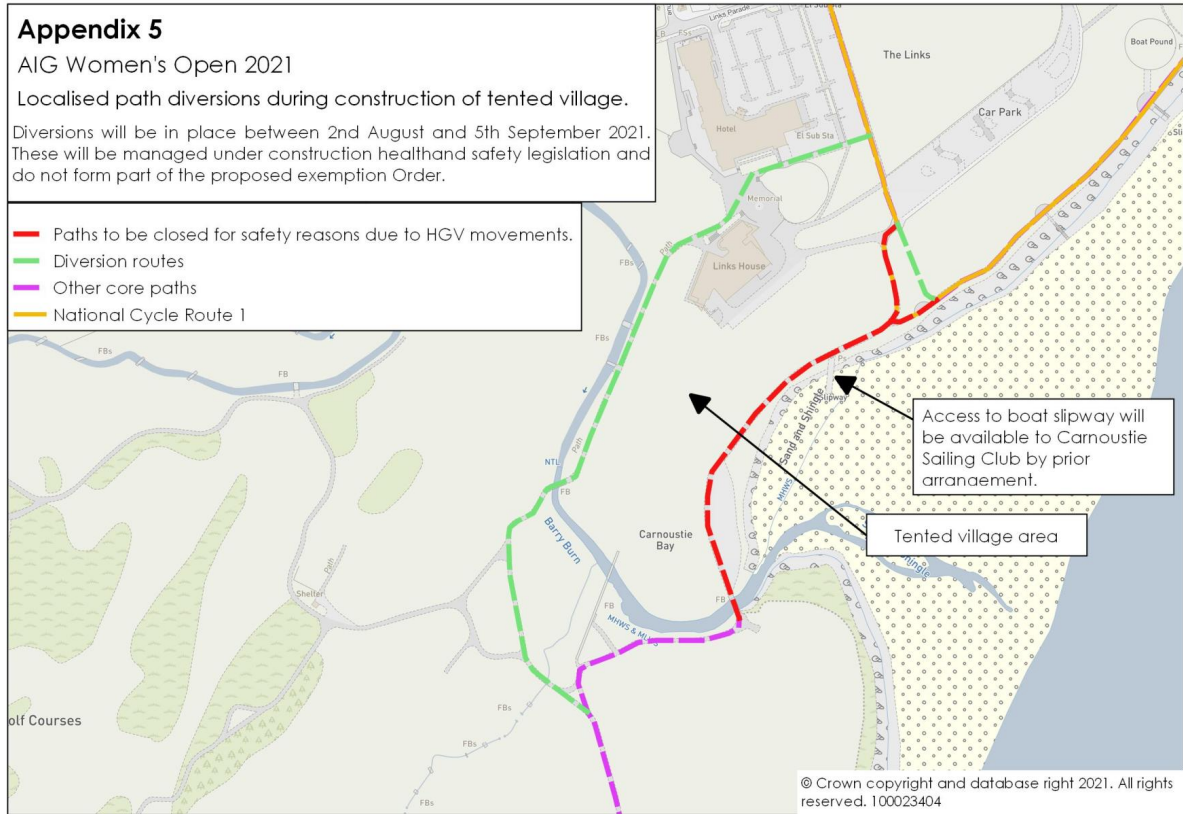
AIG Women's Open 2021

 Contractors compound to be closed to public access from 28th June 2021 to 5th September 2021

The closure will be managed under construction site health and safety legislation and does not form part of the proposed exemption Order.



Appendix 5 – Map showing temporary path diversion that will be in place between 2nd August 2021 and 5th September 2021, during construction of the tented village. These will be managed under construction site health and safety legislation and do not form part of the proposed exemption Order. Closed paths are marked in red. They include a short section of National Cycle Route 1, where it leaves the coast and turns north towards Carnoustie Links Hotel, and the coastal path that leads southward to the bridge over Barry Burn. Diversion routes are marked in green. National Cycle Route 1 will be diverted across a grassed area for a short distance. The path to Barry Burn will be diverted onto existing tracks further west.





Equality Impact/Fairer Scotland Duty Assessment Form

(To be completed with reference to Guidance Notes)

Step 1

Name of Proposal (includes e. g. budget savings, committee reports, strategies, policies, procedures, service reviews, functions):

LAND REFORM (SCOTLAND) ACT 2003 (ANGUS COUNCIL) (CARNOUSTIE GOLF LINKS) ORDER 2021

Step 2

Is this only a **screening** Equality Impact Assessment No

(A) If Yes, please choose from the following options **all** reasons why a full EIA/FSD is not required:

(i) It does not impact on people Yes/No

(ii) It is a percentage increase in fees which has no differential impact on protected characteristics Yes/No

(iii) It is for information only Yes/No

(iv) It is reflective e.g. of budget spend over a financial year Yes/No

(v) It is technical Yes/No

If you have answered yes to any of points above, please go to **Step 16**, and sign off the Assessment.

(B) If you have answered No to the above, please indicate the following:

Is this a full Equality Impact Assessment Yes/No

Is this a Fairer Scotland Duty Assessment Yes/No

If you have answered Yes to either or both of the above, continue with Step 3.

If your proposal is a **strategy** please ensure you complete Step 13 which is the Fairer Scotland Duty Assessment.

Step 3

(i)Lead Directorate/Service:

Communities

(ii)Are there any **relevant** statutory requirements affecting this proposal? If so, please describe.

Yes. The Order will be made using the statutory processes set out in the Land Reform (Scotland) Act 2003. The Order must be subjected to public consultation, and submitted to Ministers for approval.

(iii)What is the aim of the proposal? Please give full details.

To exempt land from access rights for a 10 day period during the AIG Women's Open golf championship 2021.

(iv)Is it a new proposal? Yes OR

Is it a review of e.g. an existing budget saving, report, strategy, policy, service review, procedure or function? No

Step 4: Which people does your proposal involve or have consequences for?

Please indicate all which apply:

Employees	No
Job Applicants	No
Service users	No
Members of the public	Yes

Step 5: List the evidence/data/research that has been used in this assessment (links to data sources, information etc which you may find useful are in the Guidance). This could include:

Internal data (e.g. customer satisfaction surveys; equality monitoring data; customer complaints).

Staff knowledge of the paths and area of land affected.

Internal consultation (e.g. with staff, trade unions and any other services affected).

None

External data (e.g. Census, equality reports, equality evidence finder, performance reports, research, available statistics)

Government guidance on Part 1 of the Land Reform (Scotland) Act has been referred to. This set out appropriate purposes for exemption orders, and set out the principle that orders should be for the minimum area and time possible.

External consultation (e.g. partner organisations, national organisations, community groups, other councils).

Statutory consultations are being carried out as part of the Order making process. In addition to Angus Local Access Forum, and land owners/occupiers, Carnoustie Community Council, Sustrans, and Carnoustie Sailing Club will be consulted.

Other (general information as appropriate).

Step 6: Evidence Gaps.

Are there any gaps in the equality information you currently hold? No

If yes, please state what they are, and what measures you will take to obtain the evidence you need.

Step 7: Are there potential differential impacts on protected characteristic groups? Please complete for each group, including details of the potential impact on those affected. Please remember to take into account any particular impact resulting from **Covid-19**.

Please state if there is a potentially positive, negative, neutral or unknown impact for each group. Please state the reason(s) why.

Age

Impact Neutral. There are no specific facilities for older or younger people within the proposed exempted area. The playpark at Carnoustie Seafront is not affected.

Disability

Impact Negative. The path diversion route may be less suited to some disabled people, as it is largely on adopted roads/footways, necessitating multiple road crossings for pedestrian and cycling on-road for cyclists. There are not however any significant barriers to disabled access, such as steps.

There are eight disabled parking spaces in the Black Slab carpark and ten in the Carnoustie Links Hotel carpark, which will be unavailable, however as the surrounding area will be closed to the public disabled people are unlikely to be differentially affected by the loss of these spaces.

Gender reassignment

Impact Neutral

Marriage and Civil Partnership

Impact Neutral

Pregnancy/Maternity

Impact Neutral. There are no specific facilities such as nurseries within the proposed area, and the core paths do not provide access to any such facilities.

Race - (includes Gypsy Travellers)

Impact Neutral

Religion or Belief

Impact Neutral

Sex

Impact Positive. The Order is being promoted to enable a Women's golf tournament to take place.

Sexual orientation

Impact Neutral

Step 8: Consultation with any of the groups potentially affected

If you have consulted with any group potentially affected, please give details of how this was done and what the results were.

Local people, including those who use the affected area, have had the opportunity to respond to the consultation. Notice of the proposed Order was published in the press posted on site.

If you have not consulted with any group potentially affected, how have you ensured that you can make an informed decision about mitigating action of any negative impact (Step 9)?

Step 9: What mitigating steps will be taken to remove or reduce potentially negative impacts?

There is no practical means of improving the diversion route between Carnoustie and Barry Station for disabled people. Alternative recreational access is available on the coastal path to the east of the Carnoustie sports centre.

Alternative disabled parking spaces are available at the Carnoustie sports centre carpark.

Step 10: If a potentially negative impact has been identified, please state below the justification.

The economic benefits the event brings to Angus outweigh the temporary potential negative impacts for the 10 day period.

Step 11: In what way does this proposal contribute to any or all of the public sector equality duty to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations between people of different protected characteristics?

Step 12: Is there any action which could be taken to advance equalities in relation to this proposal?

Step 13: FAIRER SCOTLAND DUTY

This step is only applicable to **strategies** which are key, high level decisions. If your proposal is **not** a strategy, please leave this Step blank, and go to Step 14.

Links to data sources, information etc which you may find useful are in the Guidance.

Step 13(A) What evidence do you have about any socio-economic disadvantage/inequalities of outcome in relation to this strategic issue?

Step 13(B) Please state if there are any gaps in socio-economic evidence for this strategy and how you will take measures to gather the evidence you need.

Step 13(C) Are there any potential impacts this strategy may have specifically on the undernoted groupings? Please remember to take into account any particular impact resulting from Covid-19.

Please state if there is a potentially positive, negative, neutral or unknown impact for each grouping.

Low and/or No Wealth (e.g. those with enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future.

Impact

Material Deprivation (i.e. those unable to access basic goods and services e.g. repair/replace broken electrical goods, warm home, leisure and hobbies).

Impact

Area Deprivation (i.e. where people live (e.g. rural areas), or where they work (e.g. accessibility of transport).

Impact

Socio-economic Background i.e. social class including parents' education, people's employment and income.

Impact

Other – please indicate

Step 13(D) Please state below if there are measures which could be taken to reduce socio-economic disadvantage/inequalities of outcome.

Step 14: What arrangements will be put in place to monitor and review the Equality Impact/Fairer Scotland Duty Assessment?

This EIA is in respect of a one-off situation, therefore a review is not required.

Step 15: Where will this Equality Impact/Fairer Scotland Duty Assessment be published?

Alongside the committee report.

Step 16: Sign off and Authorisation. Please state name, post, and date for each:

Prepared by: Paul Clark, Countryside Access Officer. 28 May 2021.

Reviewed by: Doreen Phillips, 28 May 2021.

Approved by:

NB. There are several worked examples of separate EIA and FSD Assessments in the Guidance which may be of use to you.